

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
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# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

|   |  |
|---|--|
| Date of mailing<br>(day/month/year) <b>28 NOV 2006</b>  |  |
| Applicant's or agent's file reference<br><b>1068/56</b>   | <b>FOR FURTHER ACTION</b><br>See paragraph 2 below                             |
| International application No.<br><b>PCT/IL05/00676</b>  | International filing date (day/month/year)<br><b>23 June 2005 (23.06.2005)</b> |
| Priority date (day/month/year)<br><b>25 June 2004 (25.06.2004)</b>  |  |
| International Patent Classification (IPC) or both national classification and IPC<br><b>IPC: A61B 3/00( 2006.01);G02C 5/00( 2006.01),7/00( 2006.01)</b><br><b>USPC: 351/219,246</b> |  |
| Applicant<br><b>TECHNION RESEARCH AND DEVELOPMENT FOUNDATION LTD.</b>   |  |

**1. This opinion contains indications relating to the following items:**

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

|  |   |   |
|--|---|---|
| Name and mailing address of the ISA/ US<br>Mail Stop PCT, Attn: ISA/US<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, Virginia 22313-1450<br>Facsimile No. (571) 273-3201 | Date of completion of this opinion<br><b>27 September 2006 (27.09.2006)</b> | Authorized officer<br>John R. Sanders<br>Telephone No. (703) 308-0858 |
|--|---|---|

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IL05/00676

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper  
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in electronic form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IL05/00676

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

|                               |   |     |
|-------------------------------|---|-----|
| Novelty (N)                   | Claims <u>4-7, 12-14, 19, 21, 24</u>      | YES |
|                               | Claims <u>1-3, 8-11, 15-18, 20, 22-23</u> | NO  |
| Inventive step (IS)           | Claims <u>NONE</u>                        | YES |
|                               | Claims <u>1-24</u>                        | NO  |
| Industrial applicability (IA) | Claims <u>1-24</u>                        | YES |
|                               | Claims <u>NONE</u>                        | NO  |

**2. Citations and explanations:**

Claims 1-3, 8-11, 15-18, 20 and 22-23 lack novelty under PCT Article 33(2) as being anticipated by U.S. Patent No. 1,528,192 to BRIERTON.

BRIERTON expressly discloses a device for improved vision comprising an enclosing vessel for holding lenses (29) in front of the eyes and for holding a substance in tubes (24) whose refractive index matches that of the cornea (see page 1, lines 18-70). Other limitations to displacement of lenses, attachment to subject, and medicinal usage are further disclosed in the document.

Claims 4-6, 12-14, 19 and 21 lack an inventive step under PCT Article 33(3) as being obvious over BRIERTON. The limitations in these claims do not contribute to novelty or inventive step over the knowledge in the art as they would be obvious over the disclosure of BRIERTON in view of common knowledge in the art.

Claims 7 and 24 lack an inventive step under PCT Article 33(3) as being obvious over BRIERTON in view of BLUM. BRIERTON discloses the above limitations but does not expressly disclose an external optical element comprising an adaptive optics system. BLUM teaches electroactive adaptive lenses for use with wavefront sensing procedure to correct for aberrations of the eye. At the time of the invention, one of ordinary skill in the art would have found it obvious to combine BRIERTON with the lenses of BLUM to achieve the invention as disclosed.

Claims 1-24 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.